

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested. Claims 1-14 are pending, Claims 1, 5, 9, 10, 13 and 14 having been amended by way of the present amendment.

In the outstanding Office Action Claims 1 and 5 were rejected as being anticipated by Gubbi (U.S. Patent No. 6,434,113); and Claims 2-4 and 6-14 were rejected as being unpatentable over Gubbi in view of Moriguchi et al. (U.S. Patent No. 6,680,903, hereinafter Moriguchi).

Prior to addressing the prior art, a brief recapitulation of the invention as defined by Claim 1 (as amended) is done for the convenience of the Examiner. Claim 1 is directed to a communication apparatus for a wireless network having a control station. A determining means determines whether, when the control station disappears from the wireless network, the other communication devices have a control function as a control station candidate or not. A set means sets a priority order for each of the control station candidates when there exists a plurality of communication devices to be the control station candidates. A notification means notifies the wireless network of the priority order information of the control station candidates. Furthermore, Claim 1 has been amended to explain that the priority order information identifies a particular ordering of at least a subset of the other communication devices based on at least one of performance and coverage information so as to avoid negotiation between said other communication devices regarding which is ultimately identified as a replacement control station.

An advantage of the present invention is that not only are control station candidates identified, but the priority order for each of the control station candidates is identified and the wireless network is informed. Because the network is informed about the priority order information, an orderly transfer of control from the original control station, to a replacement

control station may be performed, without requiring any type of negotiation between the other communication devices. This allows for the selection of a best-suited replacement control station, based on its performance and/or coverage area for the wireless network, and does not require additional time, or uncertainty for selecting a replacement control station, nor does it require additional time to negotiate between the other communication devices, which device will ultimately be the replacement control station.

In contrast, Gubbi is directed to a system that identifies alternative master devices (column 4, lines 46-47), but relies on a negotiation between the master device and the alternate master to which control is handed-off (column 4, lines 44-45). Furthermore, Gubbi does not provide a mechanism like the claimed notification means, where the entire wireless network is notified of the priority order information. Moreover, Gubbi relies on the master device to retain the information, and its direct coordination with an alternate master device (not the entire network). Gubbi does not notify the rest of the wireless network, so the other devices in the network will not know that an alternate has been identified. Furthermore, in a situation where the alternate master is not known, Gubbi relies on a negotiation process (column 5, lines 24-26) to identify an alternate master. In contrast, the invention defined by Claim 1 does not include a negotiation feature and avoids it altogether. Consequently, it is respectfully submitted that Claim 1 as amended patentably defines over Gubbi.

For substantially the same reasons as given with regard to Claim 1 it is respectfully submitted that Claim 5 as amended also patentably defines over the asserted prior art.

With regard to Claims 2-4 and 6-14, each of these claims are rejected over the combination of Gubbi in view of Moriguchi. Moriguchi is asserted for its disclosure of providing stand-by times corresponding to the times until the respective control station candidates start to reconstruct the wireless network. However, Moriguchi, requires that candidate alternative masters, wait for a “waiting time” that is a function of the nodes “ID”.

Thus, Moriguchi, does not rely on a waiting time that is either a function of performance or coverage area, but rather an arbitrarily designed identification number. Thus, even if Moriguchi could be combined with Guddi in any reasonable manner, the combination would not teach or suggest the feature of avoiding negotiation between other communication devices, based on a particular ordering of at least a subset of the other communication devices based on at least one of performance and coverage information. Consequently, it is respectfully submitted that Claims 2-4 and 6-14 as amended patentably define over Gubbi in view of Moriguchi.

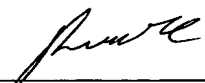
Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-14, as amended, patentably define over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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